

The Gazette of India

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No. 20] NEW DELHI, SATURDAY, APRIL 13, 1963/CHAITRA 23, 1885

LOK SABHA

The following Bill was introduced in Lok Sabha on the 13th April, 1963:—

BILL No. 16 OF 1963

A Bill to provide for the languages which may be used for the official purposes of the Union, for transaction of business in Parliament, for Central and State Acts and for certain purposes in High Courts.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Official Languages Act, 1963.

Short title
and com-
mence-
ment.

(2) Section 3 shall come into force on the 26th day of January 1965 and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

10 (a) “appointed day”, in relation to section 3, means the 26th day of January, 1965 and in relation to any other provision of this Act, means the day on which that provision comes into force;

(b) “Hindi” means Hindi in Devanagari script.

*The President has, in pursuance of article 349 and clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

Continuance of English language for official purposes of the Union and for use in Parliament.

3. Notwithstanding the expiration of the period of fifteen years from the commencement of the Constitution, the English language may, as from the appointed day, continue to be used, in addition to Hindi,—

(a) for all the official purposes of the Union for which it was being used immediately before that day; and

(b) for the transaction of business in Parliament.

Committee on Official Language.

4. (1) After the expiration of ten years from the date on which section 3 comes into force, the President may appoint a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States, to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of the single transferable vote.

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(2) It shall be the duty of the Committee to review the progress made in the use of Hindi for the official purposes of the Union and submit a report to the President making recommendations thereon.

(3) The President may, after consideration of the report referred to in sub-section (2), issue directions in accordance with the whole or any part of that report.

Authorised Hindi translation of Central Acts, etc.

5. (1) A translation in Hindi published under the authority of the President in the Official Gazette on and after the appointed day,—

(a) of any Central Act or of any Ordinance promulgated by the President, or

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(b) of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act,

shall be deemed to be the authoritative text thereof in Hindi.

(2) As from the appointed day, the authoritative text in the English language of all Bills to be introduced or amendments thereto to be moved in either House of Parliament shall be accompanied by a translation of the same in Hindi authorised in such manner as may be prescribed by rules made under this Act.

Authorised Hindi translation of State Acts in certain cases.

6. Where the Legislature of a State has prescribed any language other than Hindi for use in Acts passed by the Legislature of the State or in Ordinances promulgated by the Governor of the State, a translation of the same in Hindi, in addition to a translation thereof in the English language as required by clause (3) of article 348 of the Constitution, may be published on or after the appointed day under the authority of the Governor of the State in the Official

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Gazette of that State and in such a case, the translation in Hindi of any such Act or Ordinance shall be deemed to be the authoritative text thereof in the Hindi language.

7. As from the appointed day or any day thereafter, the Governor of a State may, with the previous consent of the President, authorise the use of Hindi or the official language of the State, in addition to the English language, for the purposes of any judgment, decree or order passed or made by the High Court for that State and where any judgment, decree or order is passed or made in any such language (other than the English language), it shall be accompanied by a translation of the same in the English language issued under the authority of the High Court.

Optional
use of
Hindi
or other
official
language in
judgments,
etc., of
High
Courts.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make
rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. The provisions of section 6 and section 7 shall not apply to the State of Jammu and Kashmir.

Certain
provisions
not to
apply to
Jammu
and
Kashmir.

STATEMENT OF OBJECTS AND REASONS

The Committee constituted under clause (4) of article 344 of the Constitution to examine the recommendations of the Commission constituted under clause (1) thereof expressed the opinion that complete change over to Hindi by the 26th January, 1965 was not practicable and that provision should be made in pursuance of clause (3) of article 343 of the Constitution for the continued use of English even after 1965 for purposes to be specified by Parliament by law for as long as may be necessary. During the debate on the Report of the Committee, the Prime Minister made a speech on the 4th September, 1959 indicating broadly the approach of the Government to the official language question. After considering the Report of the Committee, the President issued directions on the 27th April, 1960 in exercise of the powers conferred on him by clause (6) of article 344 in which a reference was made to the speech of the Prime Minister. In order to give effect to the policy of the Government as indicated by the Prime Minister, it is proposed to provide for the continued use of the English language, in addition to Hindi, for official purposes of the Union and for the transaction of business in Parliament after the 26th January, 1965.

2. The Bill also seeks to make provision by law for certain other matters covered by the Presidential order, namely, (a) authorised Hindi translation of Central Acts, Ordinances and other statutory instruments and of Bills or amendments to be introduced or moved in Parliament; (b) publication of a Hindi translation of State Acts and Ordinances; and (c) for the use optionally of Hindi and other official languages of States for purposes of judgments, decrees and orders of High Courts with the previous consent of the President.

NEW DELHI;

LAL BAHADUR.

The 3rd April, 1963.

FINANCIAL MEMORANDUM

Clause 4(1) of the Bill provides that after the expiration of 10 years from 26th day of January, 1965, the President may appoint a Committee, consisting of 30 members, of whom 20 shall be members of the House of the People and 10 shall be members of the Council of States, to review the progress made in the use of Hindi for the official purposes of the Union and to submit a report to the President making recommendations thereon. No expenditure is likely to be involved, if the meetings of the Committee are held in Delhi during the period when Parliament is in session. If, however, such meetings are held at any time when Parliament is not in session, some expenditure may be incurred on allowances of members and also on contingencies. It is not possible to give a precise estimate of the expenditure that may thus be incurred. It is not, however, likely that such expenditure would exceed Rs. 15,000.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the proposed legislation. Under sub-clause (2) of clause 5, authorised Hindi translation of the Bills to be introduced and amendments thereto to be moved in either House of Parliament have to be supplied. The manner in which such translation will be authorised may be prescribed by rules. Similarly, the procedure to be followed in obtaining the authority of the President for the publication of a translation in Hindi of Central Acts, Ordinances, orders, rules, etc., may have to be prescribed by rules. All these matters are of a procedural character. Moreover, the rules made under clause 8 will have to be laid before each House of Parliament and they will be subject to the scrutiny of Parliament.

The delegation of legislative power is thus of a normal character.

M. N. KAUL,
Secretary